IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE

WRIT PETITION NO.1756 OF 2004

Sirajuddin Nuruddin Kazi & Ors. : Petitioners

V/s.

Jayesh Vallabhdas Thakkar & Ors. : Respondents

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Mr. R. D. Soni i/b. M/s.Ram & Co., for the petitioners.

None present for the respondents.

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CORAM : S.A. BOBDE, J.

April 8, 2005.

P.C.:

1. The petitioners have challenged the order of the Revenue Minister in which it is observed that as a result of the confirmation deed said to have been executed by the petitioners along with others and in view of the fact that the petitioners did not press Appeal no.132 of 2000, the petitioners have no concern with the rights in the land in question. The order is passed in mutation proceedings.

2. Mr.Soni, learned counsel for the petitioners, submitted that the learned Minister has wrongly relied on the execution of the so-called confirmation deed and the

fact that the appeal was not pressed. In fact, according to the learned counsel, the judgement of the Civil Court clearly demarcates the share in favour of the petitioners.

3. Having regard to the settled position in law that any order made in the course of making a mutation entry cannot confer or divest title in property, I see no reason to interfere with the said order. If the petitioners' right, title or interest or possession of the said property is threatened, they would certainly be at liberty to protect it, in accordance with law.

4. The petition is, therefore, dismissed.

Sd/-

S.A. BOBDE, J.